

IN THE UNITED STATES DISTRICT COURT

FILED  
U.S. DISTRICT COURT  
AUGUSTA DIV.

FOR THE SOUTHERN DISTRICT OF GEORGIA

2018 AUG 28 PM 3:54

DUBLIN DIVISION

CLERK   
SO. DIST. OF GA.

DOUGLAS BRITT WILLIAMSON, )  
                                )  
Plaintiff,                   )  
                                )  
v.                             ) CV 318-041  
                                )  
COUNTY OF JOHNSON;        )  
DEPT. GEORGIA CORRECTION; )  
KEITH MILNER; MARTHA WALSH; )  
JIMMY HENSLEY; COUNTY OF )  
BARTOW; WARDEN ANTOINE )  
CALDWELL; and JOHNSON STATE )  
PRISON,                      )  
                                )  
Defendants.                 )

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**O R D E R**

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After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed. (Doc. no. 8.) The Magistrate Judge recommended dismissing this case without prejudice because Plaintiff failed to return the necessary papers to proceed *in forma pauperis* and had not paid the full filing fee. (See doc. no. 5.) Nothing in Plaintiff's objections convinces the Court that dismissal of this case is improper.

In an Order dated June 7, 2018, the Court instructed Plaintiff to return his Prisoner Trust Fund Account Statement and Consent to Collection of Fees forms within thirty days. (Doc. no. 4.) Plaintiff was further instructed that his failure to return the forms would be an election to have his case voluntarily dismissed. (Id.) Although Plaintiff belatedly submitted his Prisoner Trust Fund Account Statement after the recommendation for dismissal had been

entered, (doc. no. 7), he still has not submitted the Consent to Collection of Fees from Trust Account provided to him nearly two months ago.

In his objections, Plaintiff argues the Business Office at Johnson State Prison is to blame for the delay in returning his Prisoner Trust Fund Account Statement, but Plaintiff never addresses why he has not returned the consent form that required only his signature. (See doc. no. 8.) Plaintiff clearly is able to correspond with the Court when he chooses, as evidenced by the belated submission of his Prisoner Trust Fund Account Statement, the filing of objections to the recommendation for dismissal, and the submission of an amended complaint. (See doc. nos. 7, 8, 9.) He simply chose not to comply with the instructions in the Court's June 7th Order regarding submission of his Consent to Collection of Fees from Trust Account. Therefore this case is due to be dismissed

Should Plaintiff decide that he wants to pursue his claims and is willing to comply with the instructions of the Court in a complete and timely fashion, nothing in this Order adopting the recommendation for dismissal puts any additional restrictions on Plaintiff's future filing activities beyond those already in place for any prisoner filing a new case in federal court.

Accordingly, the Court **OVERRULES** the objections, **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion, **DISMISSES** this case without prejudice, **DIRECTS** the Clerk of Court to return Plaintiff's procedurally improper \$10.00 payment, and **CLOSES** this civil action.

SO ORDERED this 28<sup>th</sup> day of August, 2018, at Augusta, Georgia.

  
JUDY H. BOND  
UNITED STATES DISTRICT JUDGE